

(2) In assessing damages in any action there shall not be taken into account any sum paid or payable on the death of the deceased under any contract of assurance or whether made by the deceased or by any other person and whether before or after the passing of this Law.

(3) Damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the claim is brought.

#### 8. Method and effect of payment into court

(1) It shall be sufficient, if the defendant is advised to pay money into court, that he pays it in as compensation in one sum to all persons entitled under this Law in respect of a wrongful act, neglect or default, without specifying the shares to which it is to be paid, by the court.

(2) If any sum so paid into court is not accepted and issue is joined as to its sufficiency, and the court shall consider the same sufficient, the defendant shall be entitled to judgment on such issue.

#### 9. Forum

Any action or proceedings arising under the provisions of this Law shall be brought in the High Court or a District Court:

Provided that if all the parties to such action or proceedings are subject to the jurisdiction of an area court the plaintiff may at his option bring any such action or proceedings in an area court of competent jurisdiction.

## CHAPTER 52

### FIRE SERVICE LAW

#### ARRANGEMENT OF SECTIONS

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## CHAPTER 52

### FIRE SERVICE LAW

Law to establish a fire service in Bauchi State.

[B.A.S. 6 of 1977.]

[Commencement: 1st October, 1977]

Short title

This Law may be cited as the Fire Service Law.

## 2. Interpretation

In the Law, unless the context otherwise requires—

“court” means magistrate’s court;

“Fire Brigade” means the Bauchi State Fire Brigade established under this Law;

“fire engine” means any vehicle used for the carriage of members of the Fire Brigade or of fire-fighting or rescue equipment;

“fire-fighting equipment” includes fire extinguishers, fire escapes, fire exits;

“mobile fire-fighting equipment” means any fire-fighting equipment, other than a fire engine, so constructed as to be movable from place to place on a wheel or wheels;

“multiple dwelling” means a building or group of buildings constructed or adapted to be let in separate portions for purposes of residence, to more than one rate tenants or occupiers under separate agreements whether verbal or written and includes a hotel, guest house, rest-house or other building used for similar purposes;

“owner” includes lessee, licensee and occupier;

“Permanent Secretary” means the Permanent Secretary charged with the responsibility for Fire Services in the State;

“prescribed” means prescribed by this Law or by regulations made under this Law;

“the State” means Bauchi State of Nigeria.

## 3. Establishment of Fire Brigade

There is hereby established a fire-fighting service to be known as the Bauchi State Fire Brigade (hereinafter referred to as the “Fire Brigade”).

## 4. Constitution and command of the Fire Brigade

(1) The Fire Brigade shall consist of a Chief Fire Officer and such other officers and men of such ranks as may from time to time be appointed by the Public Service Commission of the State.

(2) The Fire Brigade shall be under the command of the Chief Fire Officer who shall be responsible to the Permanent Secretary for the efficient administration of the Fire Brigade.

## 5. General functions for the Fire Brigade

The Fire Brigade shall be employed for the extinguishment, control and prevention of fire, the saving and protection of life and property and for other humanitarian services and other works as may be required by the Permanent Secretary.

## 6. Powers of Fire Brigade

(1) The most senior member of the Fire Brigade present at any fire shall have charge and control over all operations for extinguishing the fire, including the fixing

position of the fire engines and fire-fighting equipment, the attaching of hose to any pipes, or the use of any water supply, and of the selection of the parts of the building or places, against which the water or other extinguishing media is to be directed and such member may take all other measures deemed by him to be necessary to the extinguishing of the fire or the assistance of persons or animals in distress by reason thereof, or by reason of such fire-fighting or fire prevention measures.

## (3) Regulation of traffic

The most senior member of the Fire Brigade present, may close to traffic any street or thoroughfare, or may stop or regulate the traffic thereon or remove any person, including the owner or occupier of the property involved, or of adjacent or neighbouring property from the said street or thoroughfare if in the opinion of that officer it is necessary or desirable to do so for fire-fighting purposes.

(3) For the purpose of ensuring or expediting the free passage of any fire engine or mobile fire-fighting equipment whilst proceeding to a fire, any member of the Fire Brigade may stop or regulate the traffic in any street or thoroughfare or may remove any person or vehicle from the said street or thoroughfare if, in his opinion, it is necessary or desirable to do so for the purposes of ensuring or expediting such free passage of the said fire engine or other mobile fire-fighting equipment.

## (4) Rights of the members of the Fire Brigade

All persons and vehicles using any street or thoroughfare shall yield right of way to fire engines and other mobile fire-fighting equipment proceeding to a fire and operating the prescribed signal audible or visual.

(4) Any member of the Fire Brigade who is on duty may without the consent of the owner or occupier—

- (a) enter, and if necessary break into, any building or place in which a fire has, or is reasonably believed to have broken out;
- (b) enter, and if necessary, break into, any building or place, which he believes it is necessary to enter for the purpose of protecting the building or place from fire or from acts done for fire-fighting purposes, or for the purpose of extinguishing fire therein property adjacent thereto;
- (c) having entered such building or place, do such acts therein as he may deem necessary for extinguishing any such fire or for protecting such building or property adjacent thereto or any property therein from acts done for fire-fighting purposes;
- (d) having entered such building or place, do such acts therein as he may deem necessary for the protection, rescue or assistance of persons or animals;
- (e) pull down any building or other structure, or destroy or remove any property, as he may deem necessary to extinguish or limit the spread of any fire;
- (f) take water, from any source whatever, without payment or other compensation thereof, for the purpose of extinguishing a fire or of limiting the spread thereof.

(2) Any injuries sustained by a person or damage to property caused by any member of the Fire Brigade while acting in the execution of his duties in the extinguishing of fires or in aid or assistance to persons or animals under the provisions of this Law shall be deemed to be injuries or damage by fire.

8. The Permanent Secretary may make provisions for fire-fighting, fire prevention or the alleviation of distress, and in particular may secure—

- (a) such fire equipment as may be necessary and practicable to meet effectively all normal requirements;
- (b) the efficient training of members of the Fire Brigade;
- (c) efficient arrangement for dealing with call for assistance of the Fire Brigade in case of fire or other emergency;
- (d) efficient arrangements for obtaining by inspection or otherwise, information required for fire-fighting and fire-prevention purposes, with respect to the character of buildings and other property, the available water supplies and the means of access thereto, and other material circumstances:
  - (i) for the purpose of such arrangements any member of the Fire Brigade shall be empowered to enter any building or other property at any reasonable hour if authorised to do so in writing by the Chief Fire Officer;
  - (ii) if any member of the Fire Brigade so authorised as required by sub-paragraph (i) to enter any building or other property is refused admission thereon the court, on the *ex parte* application of the Chief Fire Officer or of the member so authorised may order the person having custody of the said building or other property to admit the member thereto;
  - (iii) any such court order shall continue in force until the purposes for which the entry was necessary have been fulfilled; and
- (e) efficient arrangements for the giving, when requested, of advice in respect of buildings and other property as fire prevention or the restriction of the spread of fires and as to means of escapes in case of fire.

#### 9. Powers included in Permanent Secretary's power

The Permanent Secretary's powers shall include power—

- (a) to provide and maintain fire alarms in such positions in any street or public place as he deems proper, and to affix any such fire alarm to any wall or fence adjoining a street or public place;
- (b) to provide efficient arrangements for ensuring reasonable steps are taken to prevent or mitigate damage to property resulting from measures taken in dealing with fires;
- (c) to employ the Fire Brigade, or use any of the equipment maintained by it for emergency purposes other than fire-fighting for which it appears to the Permanent Secretary to be suitable;

- (d) to employ the Fire Brigade, or use any of the equipment maintained by it, for non-emergency purposes and make such charge as the Permanent Secretary may prescribe for any service rendered in the course of such employment.

#### 10. Provision of water and regulations thereto

The Permanent Secretary may take all reasonable measures for ensuring the provision of an adequate supply of water for fire-fighting, and for securing that it will be available in case of fire, and make regulations—

- (a) for securing on such terms as to payment or otherwise as may be therein specified, that adequate supply of water will be available to the Fire Brigade in case of fire;
- (b) for the provision at the expense of the Fire Brigade of fire hydrants or other sources of the supply of water at points to be indicated by the Chief Fire Officer;
- (c) for provision of such additional supply of water as may be necessary from time to time;
- (d) for the provision at the expense of the Fire Brigade of distinguishing marks denoting the location of each fire hydrant, or such other supply of water and for the placing and erection of distinguishing marks upon, or adjoining any street or public place;
- (e) for providing uniformity in fire hydrants and such other sources of supply, in the distinguishing marks denoting location of such fire hydrants, other sources of water supply, and in the position where such distinguishing marks are to be placed;
- (f) for the regulation of the pressure of water available from such hydrants or other sources of water supply and for the provision at the expense of the Fire Brigade of such auxiliary pumping plant and equipment as may be necessary; and
- (g) for the provision of prior notice to the Fire Brigade of any proposed installation of new main water supplies or of the carrying out of major alterations to any existing main pipes and of details, plans and other information of such proposed works.

#### 11. Regulations

Save as provided by section 10, the Permanent Secretary may make regulations—

- (a) with respect to appointments to the Fire Brigade and to offices therein, as delegated by the Public Service Commission;
- (b) with respect to the promotion, transfer, dismissal and disciplinary control of members of the Fire Brigade, as delegated by the Public Service Commission;
- (c) with respect to the training of members of the Fire Brigade;
- (d) prescribing the scales of charges permitted under subsection (2) of section 13 for services rendered by the Fire Brigade;

- (e) with respect to the Prevention of fire, the reduction of the risk to the safety of persons or animals or near any building or glass or other structure from fire hazards;
- (f) with respect to the prohibition or control of the use, in erection, alteration, improvement or repair of any building or other structure, of any materials in the erection, alteration, improvement or repair of any building or other structure which materials because of the use or proposed use of the said building or other structure, or because of its location or proposed location or otherwise, the Permanent Secretary deems may constitute a fire hazard;
- (g) requesting owners of multiple dwellings, cinemas, theatres, offices and other such buildings structures or places to which the public has access from time to time, to take such precaution as the Permanent Secretary may specify for the safety against fire hazards of the tenants, occupants or users of such buildings, structures or places. For the purposes of this subsection, the Permanent Secretary may classify categories of such buildings, structures or places, and different safety requirements may be subject to different safety requirements hereunder; and further, for the purpose thereof, the Permanent Secretary may empower the Chief Fire Officer to limit the numbers of persons occupying or using such buildings, structures or places at any one time, and to require such persons to install such fire-fighting equipment of such standard as the Permanent Secretary may prescribe and as the Chief Fire Officer may deem necessary; and generally to regulate the use of such buildings, structures or places in order to ensure that at all times the tenants, occupants or users thereof have free access to such fire-fighting equipment and shall have free access to exit routes from such buildings, structures or places, in the event of fire occurring therein;
- (h) prescribing the type of signals, audible or visual to be used on fire-fighting equipment;
- (i) relating to the establishment and good management of canteens and recreation rooms to the benefit of the Fire Brigade; and
- (j) generally for giving effect to the provisions of this Law.

## 12. Fixing of fire alarms

Any fire alarm or any mark indicating the location of any fire hydrant or other supply as prescribed by this Law may be fixed or be placed upon any land or other property for the purposes of this Law, without the consent of the owner of such land or other property and without compensation therefor.

## 13. Charges for services of Fire Brigade

No charge shall be made for any service rendered by the Fire Brigade in extinguishing fires.

(2) Charges may be made for non-emergency service other than fires, rendered by the Fire Brigade, at the rates to be prescribed.

Any such prescribed charges may be sued for and recovered in a court of competent jurisdiction by the Chief Fire Officer in his official name with full costs of action and the person charged therewith as a debt due to the Government of the State.

## Training of non-members

Any person who is not a member of the Fire Brigade may, with the approval of the Permanent Secretary and on such terms as to payment or otherwise as may be prescribed, be admitted to all such part of training in a fire-fighting and fire prevention as is established under this Law for the training of members of the Fire Brigade.

## Fire-fighting and fire prevention deemed to be for public purposes

For the purpose of the Land Use Act, fire-fighting and fire prevention shall be deemed to be for public purposes.

[No. 6 of 1978.]

Any person who contravenes or fails to comply with any of the provisions of this or any regulations or requirements made thereunder, for which no other penalty is specifically provided, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding fifty naira or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

## Impersonation of members of Fire Brigade

Any member not being a member of the Fire Brigade who puts on or assumes, either wholly or in part, the dress, name, designation or description of any member of the Fire Brigade, or in any way pretends to be a member of the Fire Brigade, or who on behalf of the Fire Brigade for the purpose of obtaining admission into any building or other place or of doing any act which such person would not, by law, be entitled to do of his own authority, shall be guilty of an offence, and on conviction shall be liable to a fine of two hundred naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

## Obtaining admission into Fire Brigade by fraud

Any person who knowingly uses or attempts to pass off any forged or false certificate, order, letter or other document for the purpose of obtaining admission into the Fire Brigade, or who on applying for admission shall make any false statement whether orally or in writing, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding four months or to both such fine and imprisonment and if having been admitted to the Fire Brigade shall be liable to dismissal therefrom.

## Obstruction of and assault on members of Fire brigade

Any person who—

- (1) wilfully obstructs, interferes with, or resists any member of the Fire Brigade in the execution of his duty under this Law or aids, invites, induces or abets any other person to assault, resist, interfere with or obstruct any such member of the Fire Brigade, or any person aiding or assisting such member, in the execution of his duty under this Law; or

(2) who obstructs or delays the passage of any fire engine or other mobile fire-fighting equipment proceeding to a fire, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

## 20. Failure to yield right of way to fire engine

Any person who fails to yield right of way to a fire engine or other mobile fire-fighting equipment as required by this Law, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding twenty naira or to imprisonment for a term not exceeding one month or both such fine and imprisonment.

## 21. False alarm

Any person who wilfully gives or causes to be given a false alarm of fire to the Fire Brigade or to any member of the Fire Brigade, shall be liable to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

## 22. Interference with the fire-fighting equipment

(1) Any person who unlawfully interferes with, damages or removes any fire-fighting equipment maintained by the Fire Brigade shall be guilty of an offence and on conviction shall be liable to a fine not exceeding twenty five naira or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

(2) For the purpose of the foregoing subsection "fire-fighting equipment" includes any fire engines, mobile fire-fighting equipment, fire extinguishers, fire escape, fire alarm, fire hydrant, fire hydrant cover or any post, pillar, plate, tablet or other mark used to indicate the position of a fire hydrant or source of water supply, or such other equipment as may be prescribed.

## 23. Contravening of or failure to comply with certain regulations

(1) Any person who is the owner of a building, structure or place and who contravenes or fails to comply with any regulation or requirement prescribed or made under this Law—

- prohibiting, controlling or limiting the purpose, or at any particular time, by more than any specified number of persons at any particular time; or
- requiring the installation or maintenance of any fire-fighting equipment or fire alarm in or upon the said building, structure or place; or
- any person who is the owner of lands upon which a building or structure is being altered or repaired or who is employed by the owner of the said lands to erect a building or structure thereon or by the owner of a building to alter or repair the same whether under contract or otherwise, and who contravenes or fails to comply with any regulation or requirement prescribed.

made under this Law prohibiting, controlling or limiting the use of certain specified materials in or about the erection, alteration or repair of the said building.

shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred naira or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) (a) Upon conviction of any owner under paragraph (c) of subsection (1) of this section, the court may in its absolute discretion order that the said building be demolished or that the said materials be removed therefrom at the expense of the owner with compensation.

(b) Any demolition or removal order made under paragraph (a) of this subsection shall be executed by the said convicted owner within the time specified in the order.

(3) For the purpose of this section—

"building" includes any building, structure, compound or place or any multiple building.

## Governor's power to make regulations

The Governor may make regulations for any matter which provision appears to him to be necessary for the purpose of giving effect to the provisions of this Law.